

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4160 OF 2005

Veer Dhaval Krushnarao Jagdale : Petitioner
V/s.

The Tahsildar Mhada & Anr. : Respondents

...

Mr.S.M.Sabrad for the petitioner.

Mr.A.H.Palekar, Asstt. Govt. Pleader for the respondents.

...

CORAM : S.A. BOBDE, J.

June 28, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Palekar, learned Asstt. Govt. Pleader, waives
service of rule on behalf of the respondents.

Heard by consent.

2. The petitioner's grievance is that he has not been allowed to use suction pump or any other machinery while extracting sand. The petitioner has drawn the attention to the fact that his brother is said to have been given that permission. According to him, he should not have been denied that permission. In a similar situation, a Division Bench of this Court (Dalveer Bhandari, C.J. &

S.A.Bobde, J.) in Writ Petition no.533 of 2005 (Sharad Sahebrao Dhamdhere v. The Additional Collector, Pune & Ors.) decided on 11.3.2005 has observed as follows:-

"2. The petitioner has drawn our attention to order dated 7th January, 2002 in which it is mentioned that the rules and conditions of the auction do not prohibit the use of yari, boat, etc. If this permission has been granted to one Arvind Sahebrao Dhamdhere, who is alleged to be the brother of the petitioner, it cannot be denied to the petitioner. Confronted with this situation, the learned Assistant Government Pleader appearing for the respondents submits that the respondents would re-consider the case of the petitioner in the light of the order dated 7th January, 2002."

Accordingly, the Division Bench has directed the respondents to reconsider the case, after hearing him and pass a reasoned order. I see no reason to depart from the decision.

3. Accordingly, the respondents are directed to reconsider the petitioner's case after affording him hearing, by a reasoned order, within two weeks from the date the parties appear before the respondent no.2. The parties are directed to appear before the respondent no.2 Collector on 4.7.2005. The petitioner is at liberty to make a prayer for alternate site which shall be considered. The rule is made absolute in the aforesaid terms.

Sd/-

S.A. BOBDE, J.